

# EXHIBIT 23

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

-----x

L.E., by his next friend and :

parents, SHELLEY ESQUIVEL and :

MARIO ESQUIVEL, :

Plaintiffs, :

vs. : Case No.

BILL LEE, in his official : 3:21-CV-00835

capacity as Governor of :

Tennessee, et al., :

Defendants. :

-----x

VIRTUAL DEPOSITION OF CHAD CARLSON, M.D.

Urbandale, Iowa

Thursday, August 11, 2022

11:06 a.m.

Job No: 5368732

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Reported by: Cappy Hallock, RPR, CRR

Virtual Deposition of CHAD CARLSON,  
M.D., held by Zoom.

Pursuant to Notice, the Virtual  
Deposition of CHAD CARLSON, M.D. was taken  
commencing at 11:06 a.m. on Thursday, August 11,  
2022 before Cappy Hallock, Registered Professional  
Reporter, Certified Realtime Reporter, and Notary  
Public in and for the State of Maryland.

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11  
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15  
16  
17 Also Present: Luna Floyd

18 Ana Ribadeneira

19 Brandon Townsend

20 Concierge: Jerry Curran

21 Reporter: Cappy Hallock, RPR, CRR

I N D E X

Deposition of CHAD CARLSON, M.D.

August 11, 2022

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Cause Brain Swelling, Vision

Loss in Children

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1 about that?

2 Q So you don't know what the rules  
3 around transgender athletes' participation are  
4 that are at the core of this case?

5 MS. BERGMEYER: Object to form.

6 A It's not -- I'm not a -- I wasn't  
7 retained to provide advice on policy. I was  
8 retained to provide advice on whether or not there  
9 are safety issues that exist in transgender sports  
10 participation so I don't know why that would be  
11 surprising.

12 Q Okay.

13 A I'm happy to look at the statute if  
14 you would like to show me.

15 Q Okay. Well, I will keep that in mind.  
16 Thank you.

17 So can you point me to the section of  
18 your report that discusses the participation of  
19 transgender boys in interscholastic sports?

20 A There isn't a section on transgender  
21 boys in this paper.

1 one is a natal female.

2 Q So I guess I'm asking you where in  
3 your report you talk about safety considerations  
4 of transgender boys playing boys sports.

5 A Primary discussion around safety is  
6 going to always concern transgender females who  
7 are participating with cisgender females in a  
8 sport. Not the sole but the primary.

9 Q So looking at nonprimary  
10 considerations, can you show me where in your  
11 report you are discussing safety considerations of  
12 transgender boys participating in boys sports?

13 MS. BERGMEYER: Object to form.

14 A I don't believe my report emphasizes  
15 that or speaks to that.

16 Q Okay.

17 I'm going to direct you to Page 4 of  
18 your report.

19 A Numeric Page 4?

20 Q Yes. So pdf page 7 and labeled  
21 Page 4.

1           Q       And do you know what sports he wants  
2       to play?

3           A       I have been told that this individual  
4       would like to play golf.

5           Q       Do you have safety concerns about L.E.  
6       playing on the boys golf team?

7                   MS. BERGMEYER: Object to form and  
8       object to scope.

9           A       I was hired to, you know, I was hired  
10       to create a document that speaks generally to  
11       safety and sports issues. For the most part that  
12       pertains to contact or collision sports. As  
13       defined in the paper golf would not be in that  
14       category of sport.

15                  THE CONCIERGE: Did you get all that  
16       audio, Cappy?

17                  THE REPORTER: Yes.

18                  THE WITNESS: Are you having trouble  
19       hearing me?

20                  THE CONCIERGE: I did. I wanted to be  
21       sure that the court reporter got everything down.

1 BY MS. NOWLIN-SOHL:

2 Q I think we captured it, Dr. Carlson.  
3 Thank you.

4 So you are saying that golf is not a  
5 contact collision sport?

6 MS. BERGMEYER: Object to form.

7 A Golf would not be categorized as a  
8 contact or collision sport, no, unless you were  
9 standing in front of the ball.

10 Q And you say that your report is  
11 limited to contact and collision sports?

12 MS. BERGMEYER: Object to form.

13 A My report references safety issues  
14 that are implied with or implicated with athletes  
15 participating in contact and collision sports, and  
16 combat.

17 Q Are you saying combat?

18 A Yes, combat, martial arts, that sort  
19 of thing.

20 Q Okay.

21 Are you aware of any combat sports

1       that are played at the middle school or high  
2       school level?

3               A       No.

4               Q       So you recognize not providing any  
5       sort of opinion --

6               A       Let me clarify that for a second.  
7                       Not interscholastic but as an example  
8       of a combat sport that young people might  
9       participate in, karate would be one.

10              Q       Do you know if that is offered --

11              A       It's not an interscholastic sport.

12              Q       Okay, thank you.

13                     So you say your report is addressing  
14       contact and collision and combat sports. Is  
15       cross-country a contact or collision sport?

16              A       I would not classify cross-country as  
17       a contact or collision sport.

18              Q       So your report is not saying anything  
19       about the safety risk of athletes participating in  
20       cross-country?

21              A       It would not speak to that, no.

1           Q       I think that's a new question. I'm  
2 asking if it automatically means that.

3                   MS. BERGMEYER: Object to form.

4           A       I don't know the answer to that. I  
5 can't answer that.

6                   MS. NOWLIN-SOHL: I think I may be  
7 almost done. I'm going to look through and see if  
8 there is anything I want to add. So why don't we  
9 take a five-minute break and hopefully we can wrap  
10 up.

11                   (Recess taken -- 6:43 p.m.)

12                   (After recess -- 6:49 p.m.)

13 BY MS. NOWLIN-SOHL:

14           Q       Dr. Carlson, I just have a few more  
15 questions. So as discussed previously, your  
16 report is not expressing concerns about  
17 transgender boys participating in interscholastic  
18 sports teams, correct?

19           A       It does not speak to that directly,  
20 no.

21           Q       And so would you have any concerns if



1 UNITED STATES OF AMERICA )

2 STATE OF MARYLAND )


3

4 I, CAPPY HALLOCK, the reporter before  
5 whom the foregoing deposition was taken, do hereby  
6 certify that the witness whose testimony appears  
7 in the foregoing deposition was sworn by me; that  
8 said deposition is a true record of the testimony  
9 given by said witness.

10 I further certify that I am neither  
11 counsel for, related to, nor employed by any of  
12 the parties to the action in which this deposition  
13 was taken; and further that I am not a relative or  
14 employee of any attorney or counsel employed by  
15 the parties hereto, or financially or otherwise  
16 interested in the outcome of this action.

17

18



19

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20

Cappy Hallock, RPR, CRR

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My Commission expires January 19, 2025